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October 19, 2022

**VIA ECF**

Honorable Brian M. Cogan  
United States District Judge  
U.S. District Court  
Eastern District of New York  
225 Cadman Plaza E.  
Brooklyn, NY 11201

**RE: *Precision Associates, Inc., et al. v. Panalpina World Transport (Holding) Ltd., et al.*, Case No. 08-cv-00042-BMC-PK  
Response to Court re: Claimant John von Terzian Request (ECF. 1556)**

Dear Judge Cogan:

Pursuant to this Court’s Order dated October 6, 2022, Plaintiffs write to apprise the Court of the claimant’s submission (hereinafter “Claimant”) referenced in ECF No. 1556.

After receiving Claimant’s submission to the Court, Interim Co-Lead Class Counsel conferred with claims administrator Epiq Class Actions & Claims Solutions, Inc. (“Epiq”), and determined that the Claimant’s claim was properly denied. As recounted in the attached declaration of Michael O’Connor, formerly Epiq’s vice-president, the Claimant submitted his claim on August 9, 2022, over six years after the final claim submission deadline of April 3, 2017. Declaration of Michael O’Connor, dated October 18, 2022, ¶¶ 5-6, 10. The Claimant has been kept apprised of the final claim deadline and the fact his claim was denied. *Id.* ¶¶ 5, 9. The Claimant has been treated identically to other claimants who had their late claims denied. *Id.* ¶ 13. Furthermore, following this Court’s August 3, 2022, Order, the remaining settlement funds

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were distributed, the qualified settlement fund was terminated and the bank account for the distributions in this matter was closed. *Id.* ¶ 14. Moreover, Epiq analyzed the late claim form submitted by Claimant, and had the claim been timely filed, it would have been approved for the minimum payout, which was \$100. *Id.* ¶ 12. Accordingly, it is not only administratively infeasible, but there is also no basis to pay this Claimant.

Please let us know if we can provide further information to the Court.

Sincerely,

/s/ Joshua J. Rissman

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